

[If adopted, this would be a new regulation]

[Approved by the Committee of the Whole on January 13, 2005, for Public Review]

[Changes to Draft #2 (the proposed regulation) are redlined and double underlined]

**REGULATION 1.20 Upset Condition Malfunction Prevention Programs**

**Air Pollution Control District of Jefferson County**

**Jefferson County, Kentucky**

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity and Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes the requirement for the owner or operator of certain permitted processes or process equipment to develop and implement an upset condition malfunction prevention program.

**SECTION 1 Definitions**

Terms used in this regulation that are not defined in this regulation shall have the meaning given to them in Regulation 1.02 *Definitions*.

1.1 “Affected facility” means any process or process equipment that meets one of the following:

1.1.1 An upset condition malfunction involving the process or process equipment was reported pursuant to Regulation 1.07 *Excess Emissions During Startups, Shutdowns, and Upset Conditions Malfunctions* and the District determines that the development and implementation of an upset condition malfunction prevention program is appropriate,

1.1.2 The District determines that an upset condition malfunction involving the process or process equipment may have occurred and that the development and implementation of an upset condition malfunction prevention program is appropriate, or

1.1.3 The District determines that the development and implementation of an upset condition malfunction prevention program is appropriate to minimize the likelihood of the occurrence of an upset condition malfunction that may become harmful to public health or welfare.

**SECTION 2 Applicability**

This regulation applies to any affected facility.

**SECTION 3 Upset Condition Malfunction Prevention Program Requirements**

3.1 The owner or operator of an affected facility shall develop an upset condition malfunction prevention program to prevent, detect, and correct upset conditions malfunctions, equipment failures, or abnormal process or process equipment operating parameters that may cause an excess emission. The program shall be in writing and reviewed and updated as the owner or operator or the District determines necessary to keep the program current, relevant, and effective. The program shall, at a minimum, include all of the following:

3.1.1 Identification of the processes, process equipment, and air pollution control equipment included in the program, including monitoring equipment and other instrumentation used to determine proper operation of the process and equipment,

3.1.2 Identification of the individual or position responsible for inspecting, maintaining, and repairing the affected process equipment and air pollution control equipment,

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- 40 3.1.3 The maximum intervals for inspection and routine maintenance of the affected process  
41 equipment and air pollution control equipment. The maximum interval for routine  
42 inspection and maintenance shall not exceed that recommended by the manufacturer  
43 unless specifically identified in the program and justified,
- 44 3.1.4 A description of the items or conditions that will be inspected,
- 45 3.1.5 A listing of materials and spare parts that will be maintained in inventory,
- 46 3.1.6 A description of the corrective procedures that will be taken in the event of an upset  
47 conditionmalfunction,
- 48 3.1.7 The calibration schedule for any device that monitors emissions or process, process  
49 equipment, or air pollution control equipment operational parameters. The time between  
50 calibrations shall not exceed 1 year or as specified in the program, whichever is shorter,
- 51 3.1.8 A description of any additional air pollution control equipment, monitoring equipment,  
52 or other instrumentation that will be installed, the installation and operation of which is  
53 necessary to minimize the likelihood of the occurrence of an upset conditionmalfunction,
- 54 3.1.9 A description of any operational changes that will be instituted that are necessary to  
55 minimize the likelihood of the occurrence of an upset conditionmalfunction,
- 56 3.1.10 If full implementation of a component of the upset condition malfunction prevention  
57 program will not occur upon approval by the District, then a schedule for implementation  
58 of that component,
- 59 3.1.11 The recommended length of time for the upset condition malfunction prevention  
60 program to remain in effect, and
- 61 3.1.12 Any other information that the District deems appropriate.
- 62 3.2 The owner or operator of an affected facility shall submit an upset condition malfunction  
63 prevention program to the District within 120 days of receipt of written notification from the  
64 District that a program is required. If the District determines that a revision to the program  
65 is necessary, the owner or operator shall, within 60 days of receipt of written notification  
66 from the District of a deficiency, submit a revision to the program addressing the deficiency.
- 67 3.3 After providing an opportunity for public review and comment on an initial upset condition  
68 malfunction prevention program, the District may approve the program. Upon receipt of  
69 written notification from the District that a submitted upset condition malfunction prevention  
70 program is approved, the owner or operator of the affected facility shall implement the  
71 approved program. The approved program shall be an enforceable requirement of the  
72 applicable District permit for the process and process equipment included in the program.
- 73 3.4 In addition to any required revision of an upset condition malfunction prevention program  
74 pursuant to section 3.1 or 3.2, the owner or operator of an affected facility may periodically  
75 revise the program as necessary to satisfy the requirements of this regulation or to reflect  
76 changes in equipment or procedures for the affected facility. Any revised program shall be  
77 submitted to the District. After providing an opportunity for public review and comment on  
78 a revision to a program determined by the District to be substantive, the District may  
79 approve the revised program. Upon receipt of written notification from the District that the  
80 revised program is approved, the owner or operator of the affected facility shall implement  
81 the approved revised program. The approved revised program shall be the enforceable  
82 requirement of the applicable District permit.
- 83 3.5 The owner or operator may reference, in whole or in part, in an upset condition malfunction

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prevention program the affected facility's standard operating procedure manual, an Occupational Safety and Health plan, or other program to meet some or all of the requirements of this regulation.

3.6 The owner or operator of the affected facility shall keep adequate records to document implementation of the components of the upset condition malfunction prevention program. These records shall be maintained for a minimum of 5 years and made available to the District upon request.

3.7 The District, after providing an opportunity for public review and comment, may discontinue the requirement for an owner or operator to implement an upset conditionmalfunction prevention program. If the District determines that discontinuation of this requirement is appropriate, based upon a supporting history that the program has been successful in minimizing upset conditionsmalfunctions, then the District shall notify the owner or operator in writing and the program shall no longer be an enforceable requirement of the applicable District permit.

Adopted v1/\_\_\_\_\_; effective \_\_\_\_\_.